

Responsive to the rejection of claims 1, 8-11 and 16 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,652,654 (Bahn), Applicants have amended claims 1 and 10 and submit that claims 1, 8-11 and 16 are now in condition for allowance.

Bahn discloses a fishing rod tip (Figs. 1-5) that includes a hollow socket member 2 into which fishing rod 1 is extended or fit. Pin 3 is used to secure hollow socket member 2 to fishing rod 1. The invention is positioned on an end of fishing rod 1 that is remote from a reel and reel seat (not shown). Mounting member 6 has a lower ring 7 and an upper ring 8 for fixed installation to hollow socket member 2 and for axially rotatable mounting of tubular line guide 9. Annual ribs or flanges 10 hold line guide 9 in its desired longitudinal position in mountings 4 and 8. Annual ribs or flanges 10 may be soldered or sweated in place on tube 9 (column 2, lines 15-51).

In contrast claim 1, as amended, recites in part:

a fishing line containment apparatus ... includes: an elongated tube disposed between at least two of said plurality of fishing line guides; and

two captivating devices, one of said two captivating devices detachably connected to an end of said elongated tube, an other of said two captivating devices detachably connected to an other end of said elongated tube.

(Emphasis added) Applicants submit that such an invention is neither taught, disclosed nor suggested by Bahn or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Bahn discloses a fishing rod tip that includes a hollow socket member 2 into which fishing rod 1 is extended or fit. Pin 3 is used to secure hollow socket member 2 to fishing rod 1. However, Bahn, alone or in combination with any other cited reference, fails to disclose, teach or suggest a fishing line containment apparatus having an elongated tube disposed between at least

two fishing line guides and two captivating devices, one of the two captivating devices detachably connected to an end of the elongated tube, an other of the two captivating devices detachably connected to an other end of the elongated tube, as recited in part in claim 1. Bahn is attached to a fishing rod that has not had a fishing line guide placed on the end thereof or on a fishing rod from which an end fishing line guide has been removed. Bahn does not teach a hollow tube having captivating devices which are detachably connected thereto. Rather, the hollow tube of Bahn is soldered in place.

Applicants' invention has distinct advantages in that the elongated tube is affixed to line guides that exist on a fishing rod, rather than requiring the removal of a fishing line guide. Another advantage of Applicants' invention is that the elongated tube can extend through several fishing line guides, thereby extending it's tangle free feature. Accordingly, Applicants submit that claim 1, and claims 8 and 9 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

In further contrast, claim 10, as amended, recites in part:

an elongated tube configured to be disposed through an opening in each of at least two fishing line guides, said elongated tube having a first end and a second end;
and

two captivating devices including a first captivating device removably connectable to said first end and a second captivating device removably connectable to said second end.

(Emphasis added) Applicants submit that such an invention is neither taught, disclosed nor suggested by Bahn or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Bahn discloses a fishing rod tip that includes a hollow socket member 2 into which fishing rod 1 is extended or fit. Pin 3 is used to secure hollow socket member 2 to fishing rod 1.

However, Bahn, alone or in combination with any other cited reference, fails to disclose, teach or suggest an elongated tube configured to be disposed through an opening in each of at least two fishing line guides, the elongated tube having a first end and a second end and two captivating devices including a first captivating device removably connectable to the first end and a second captivating device removably connectable to the second end, as recited in part in claim 10. Bahn is attached to a fishing rod that has not had a fishing line guide placed on the end thereof or on a fishing rod from which an end fishing line guide has been removed. Bahn does not teach a hollow tube having captivating devices which are detachably connected thereto. Rather, the hollow tube of Bahn is soldered in place.

Applicants' invention has distinct advantages in that the elongated tube is affixed to line guides that exist on a fishing rod, rather than requiring the removal of a fishing line guide. Another advantage of Applicants' invention is that the elongated tube can extend through several fishing line guides, thereby extending its tangle free feature. Accordingly, Applicants submit that claim 10, and claims 11 and 16 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

Responsive to the rejection of claims 2-4, 12, 17 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Bahn, Applicants have amended claims 1 and 10, and respectfully traverse the rejection of claim 18, and submit that claims 2-4, 12, 17 and 18 are now in condition for allowance.

Claims 2-4 depend from claim 1, and claims 12 and 17 depend from claim 10, and claims 1 and 10 have been placed in condition for allowance for the reasons given above. Accordingly, Applicant submits that claims 2-4, 12 and 17 are now in condition for allowance, which is hereby respectfully requested.

Bahn is discussed above.

In contrast to Bahn, claim 18, recites in part:

positioning flexible tubing between at least two of said plurality of fishing line guides; and

installing two captivating devices, one said captivating device at each of two ends of said flexible tubing.

(Emphasis added) Applicants submit that such an invention is neither taught, disclosed nor suggested by Bahn or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Bahn discloses a fishing rod tip that includes a hollow socket member 2 into which fishing rod 1 is extended or fit. Pin 3 is used to secure hollow socket member 2 to fishing rod 1. However, Bahn, alone or in combination with any other cited reference, fails to disclose, teach or suggest positioning flexible tubing between at least two fishing line guides and installing two captivating devices, one captivating device at each of two ends of the flexible tubing, as recited in part in claim 18. Bahn is attached to a fishing rod that has not had a fishing line guide placed on the end thereof or on a fishing rod from which an end fishing line guide has been removed. Bahn does not teach a hollow tube having captivating devices which are detachably connected thereto. Rather, the hollow tube of Bahn is soldered in place. The Examiner posits that the elements 17 and 21 could be employed at each end of tube 9, however to place a pivotal arm 17 and a tube 21 at the other end of Bahn's invention would make Bahn's invention unworkable in that casting of the fishing rod would cause the added pivotal arm 17 to pivot in a direction consistent with the centrifugal force of a casting motion thereby inhibiting the movement of the fishing line.

Applicants' invention has distinct advantages in that the elongated tube is affixed to line guides that exist on a fishing rod, rather than requiring the removal of a fishing line guide.

Another advantage of Applicants' invention is that the elongated tube can extend through several fishing line guides, thereby extending its tangle free feature. Accordingly, Applicants submit that claim 18 is now in condition for allowance, which is hereby respectfully requested.

Claims 5 and 13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bahn in further view of U.S. Patent No. 2,484,727 (Patterson). However, claim 5 depends from claim 1, and claim 13 depends from claim 10, and claims 1 and 10 have been placed in condition for allowance for the reasons given above. Accordingly, Applicants submit that claims 5 and 13 are now in condition for allowance, which is hereby respectfully requested.

Claims 6-7 and 14-15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bahn in further view of U.S. Patent No. 4,702,031 (Sousa). However, claims 6 and 7 depend from claim 1, and claims 14 and 15 depend from claim 10, and claims 1 and 10 have been placed in condition for allowance for the reasons given above. Accordingly, Applicants submit that claims 6-7 and 14-15 are now in condition for allowance, which is hereby respectfully requested.

Claim 19 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bahn in further view of U.S. Patent No. 4,212,126 (Barnett). However, claim 19 depends from claim 18, and claim 18 has been placed in condition for allowance for the reasons given above.

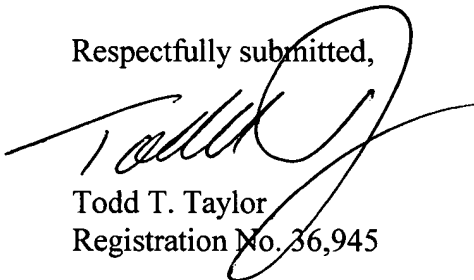
Accordingly, Applicants submit that claim 19 is now in condition for allowance, which is hereby respectfully requested.

For the foregoing reasons, Applicants submit that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are therefore in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefor and authorizes that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (260) 897-3400.

Respectfully submitted,



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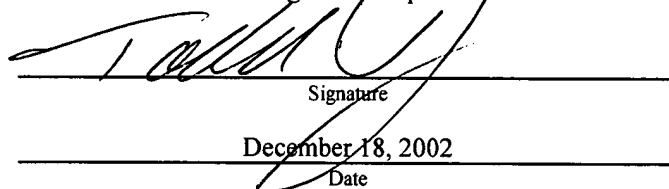
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Name of Registered Representative



Signature

December 18, 2002

Date



Title: TANGLE FREE FISHING POLE

Application Serial No.: 09/982,635 Group: 3643

Examiner: Kurt C. Rowan

ATTACHMENT A:
MARKED-UP COPY SHOWING AMENDMENTS

IN THE SPECIFICATION

Please substitute the following paragraph for the paragraph beginning on page 3, line 2:

(Amended) The above-mentioned and other features and advantages of this invention, and the manner of attaining them, will become more apparent and the invention will be better understood by reference to the following description of embodiments of the invention taken in conjunction with the accompanying drawings, wherein:

Fig. 1 is a side view of a tangle free fishing pole embodying the present invention;

Fig. 2 is an expanded side view of a portion of the tangle free fishing pole of Fig. 1;

Fig. 3 is a perspective view of a captivating device of the tangle free fishing pole of Figs. 1 and 2, and a sectioned view of a part of a fishing reel to which the captivating device can be applied; and

Fig. 4 is a side view of a lead line for use with the tangle free fishing pole of Figs. 1-3.

Please substitute the following paragraph for the paragraph beginning on page 5, line 6:

(Amended) Now, additionally referring to Fig. 3, captivating [devices] device 32 [are] is a ferrule 32 [have] having a tubular section 34, a shoulder section 36 and an axial hole 38 therethrough. The ends of elongated tube 30 are disposed near the openings of line guides 28 and captivating devices 32 are attached to elongated tube 30 by going through line guides 28. Tubular section 34 is sized to be detachably inserted into elongated tube 30. Tubular section 34 has raised

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annular rings 35 on the outer surface to retain elongated tube 30. Alternatively, tubular section 34

may retain elongated tube 30 using a crimp or an adhesive. Shoulder section 36 is circular in shape and is sized to not pass through the opening of line guide 28. Axial hole 38 is cylindrical and is substantially centered on the axis of captivating device 32. Fishing line 16 travels through a captivating device 32, elongated tube 30 and an other captivating device 32.

IN THE CLAIMS

Please cancel claim 2 and please substitute the following amended claims 1, 10 and 15 for original claims 1, 10 and 15:

1. (Amended) A tangle free fishing pole, comprising:

a fish pole having a plurality of fishing line guides thereon; and

a fishing line containment apparatus installed through at least two of said plurality of fishing line guides;

wherein said fishing line containment apparatus, includes:

an elongated tube disposed between at least two of said plurality of fishing line guides; and

two captivating devices, one of said two captivating devices detachably connected to an end of said elongated tube, an other of said two captivating devices detachably connected to an other end of said elongated tube.

10. (Amended) A fishing pole enhancement kit comprising:

an elongated tube configured to be disposed through an opening in each of at least two fishing line guides, said elongated tube having a first end and a second end; and

two captivating devices including a first captivating device removably connectable to said

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first end and a second captivating device removably connectable to said second end [configured to

be detachably connected to an end of said elongated tube].

15. (Amended) The kit of claim 14, wherein each said shoulder is somewhat larger in diameter than said opening of said fishing line guides.